

# RECORD OF PROCEEDINGS UNDER ARTICLE 15, UCMJ

For instructions of this form, see AR 27-10; the proponent agency AG.

See Notes on Reverse Before Completing Form

NAME <b>(b)(6) Z</b>	GRADE E3	SSN <b>(b)(6) Z</b>	UNIT A Co, 588 <sup>th</sup> EN, 2d Bde, 4ID(M)	PAY (Basic & Sea/Foreign) \$1,356.90
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I am considering whether you should be punished under Article 15, UCMJ, for the following misconduct: <sup>1/</sup>  
 That you, did, at or near Ba' Qubah, Iraq, on or about 22 Nov 03, unlawfully strike **(b)(6) Z** on the back of the head with an open hand. This is in violation of Article 128, UCMJ.

**(b)(6) Z**

2. You are not required to make any statements, but if you do, they may be used against you in this proceeding or at a trial by court-martial. You have several rights under this Article 15 proceeding. First I want you to understand that I have not yet made a decision whether or not you will be punished. I will not impose any punishment unless I am convinced beyond a reasonable doubt that you committed the offense(s). You may ordinarily have an open hearing before me. You may request a person to speak on your behalf. You may present witnesses or other evidence to show why you shouldn't be punished at all (*matters of defense*) or why punishment should be very light (*matters of extenuation and mitigation*). I will consider everything you present before deciding whether I will impose punishment or the type and amount of punishment I will impose. <sup>2/</sup> If you do not want me to dispose of this report of misconduct under Article 15, you have the right to demand trial by court-martial instead. <sup>3/</sup> In deciding what you want to do you have the right to consult with legal counsel located at **TDS, Tikrit, Iraq, DNV 534-0135**. You now have 48 hours to decide what you want to do. <sup>4/</sup>

DATE <b>15 Dec 03</b>	NAME, GRADE, AND ORGANIZATION OF COMMANDER <b>(b)(6) Z</b> LTC, 588 EN, 2d Bde, 4ID(M)
TIME <b>1723</b>	

3. Having been afforded the opportunity to consult with counsel, my decision are as follows: (*Initial appropriate blocks, date, and sign*)  
 a. ☐ I demand trial by court-martial.  
 b. ☒ I do not demand trial by court-martial and in the Article 15 proceedings:

1. I request the hearing be ☒ Open ☐ Closed. 2. A person to speak in my behalf ☐ I ☒ do not request.  
 3. Matters in defense, mitigation, and/or extenuation: ☒ Are not presented ☐ Will be presented in person ☐ Attached.

DATE <b>22 Dec 03</b>	NAME AND GRADE OF SERVICE MEMBER <b>(b)(6) Z</b> PFC	SIGNATURE <b>(b)(6) Z</b>
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4. In a(n) ☒ Open ☐ Closed hearing <sup>5/</sup> all matters presented in defense, mitigation, and/or extenuation, having been considered, the following punishment is imposed: <sup>6/</sup> *Extra Duty for 45 days; Suspended, to be automatically remitted if not vacated before 22 MAR 03.*

5. I direct the original DA Form 2627 be filed in the ☐ Performance fiche ☐ Restricted fiche of the OMPP. <sup>7/</sup>  
 6. You are advised of your right to appeal to the **CDR, 4ID (M)** within 5 calendar days. An appeal made after that time may be rejected as untimely. Punishment is effective immediately unless otherwise stated above.

DATE <b>22 Dec 03</b>	NAME, GRADE, AND ORGANIZATION OF COMMANDER <b>(b)(6) Z</b> LTC, 588 EN, 2d Bde, 4ID(M)
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7. (*Initial appropriate block, date, and sign*)  
 a. ☒ I do not appeal b. ☐ I appeal and do not submit additional matters <sup>8/9/</sup> c. ☐ I appeal and submit additional matters <sup>8/9/</sup>

DATE <b>22 Dec 03</b>	NAME AND GRADE OF SERVICE MEMBER <b>(b)(6) Z</b>	SIGNATURE <b>(b)(6) Z</b>
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8. I have considered the appeal and it is my opinion that:

DATE	NAME AND GRADE OF JUDGER ADVOCATE	SIGNATURE
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9. After consideration of all matters presented in appeal, the appeal is:  
☐ Denied ☐ Granted as follows: <sup>10/</sup>

DATE	NAME, GRADE, AND ORGANIZATION OF COMMANDER	SIGNATURE
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I have seen the action taken on my appeal.	DATE	SIGNATURE OF SERVICE MEMBER
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ALLIED DOCUMENTS AND/OR COMMENTS <sup>11/ 12/ 13/</sup>	
1. DA FORM 3881	4. DA FORM 268
2. DA FORM 2823 (3)	5. ERB
3. PHOTOS (5)	

020486

*except as noted (b)(6) Z*